

1894-075 Chancery Causes: W. H. G. Slump vs. Powells Valley Bank
Lee Co.

Morgan, Anderson

CA-Debt

T-Property

1 Virginia: In the Circuit Court of Lee County -
2 To the Hon W. L. Miller, Judge of said Court:
3 Your orator, W. N. G. Slump, complaining, shows
4 unto the Court, that Henry J. Morgan and
5 Isaac S. Anderson late partners and private
6 bankers doing business under the name
7 of Powell's Valley Bank who sued for the ben-
8 efit of themselves and A. L. Bridemore and
9 A. W. Cook, present partners, doing business
10 under the name and title of Powell's Valley
11 Bank, has instituted in the Circuit Court
12 of the County of Lee its certain action of
13 ^{and C. Campbell Slump and C. E. Flannery, his securities &c.}
14 Suit against your orator, in which action
15 the said Powell's Valley Bank sues to recover
16 of your orator, the principal of ~~a~~ note
17 dated Dec'r 2nd - 1892, for \$874⁰⁰, and due
18 ninety days from date. Your orator has
19 filed in the said action three pleas: 1st
20 the plea of Usury; 2nd, the plea of payment;
21 and 3rd, the plea of Off-set.

22 Your orator charges that he has been
23 doing business with said bank since
24 Aug. 24th - 1888; that at that time he borrowed
25 money from said bank, and has done so
26 frequently since then; that he frequently re-
27 newed his notes - sometimes every 90 days;
28 sometimes every 60 days; and sometimes
29 every 30 days; and some times every
30 one hundred and eighty days - always
31 paying up a discount or rate of in-
32 terest equal to One per cent per
month and sometimes more. But

1 your orator did not take receipts for
2 these many payments made to said
3 Bank and can not prove them
4 except by calling on said bank
5 to disprove said payments.

6 Your orator further charges that
7 said note, so sued on, is entirely for
8 usury and unlawful and illegal inter-
9 est; that if any part is not for such
10 illegal interest that the same is now
11 paid by your orator as will fully
12 appear from Statement "A" here filed
13 as part of this bill & is prayed to be
14 considered as part of the same, from
15 which it will appear that said bank
16 was justly due your orator the sum
17 of \$120.54 on the 3rd day of August,
18 1893, all of which would fully appear in
19 case the said Powell's Valley Bank would
20 set forth the truth, ~~and~~ about the
21 amounts paid by your orator in the
22 shape of interest and in the shape
23 of actual payments.

24 Your orator charges that the present part-
25 ners of the Powell's Valley Bank are in
26 part the late partners of the same bank,
27 that the present firm took said note
28 with the full knowledge of its illegal
29 character; that said note is not in
30 fact negotiated and traded by the
31 former firm to the present firm.

32 Your orator is advised that he cannot

1 safely defend himself on the trial of said
2 action without a discovery from the
3 said Powell's Valley Bank touching the
4 various payments of interest and of money
5 to said bank as stated in said statement
6 "A" and touching each item in statement "A"
7 and forasmuch as your orator is
8 remediless in the premises, save by the
9 aid of a Court of equity, your orator
10 prays that the said Henry J. Morgan, and
11 Isaac S. Anderson, ^{late} partners and private
12 bankers doing business under the name
13 of Powell's Valley Bank; ~~the~~ and Henry J.
14 Morgan, Isaac S. Anderson, A. L. Bidemore
15 and A. D. Cook present partners doing
16 business under the name and title of
17 Powell's Valley Bank, may be made parties
18 defendant to this bill, and that they each
19 be required to answer the same upon
20 oath; that the defendants may each be
21 required to make a true and full
22 discovery of all matters aforesaid; ^{that remedy being in granted your orator}
23 May the Commonwealth's writ of Habeas
24 directed &c, and as in duty bound
25 your orator will ever pray.
26 Wm N. G. Slump

By Counsel

Wm A. Orr

28 Virginia: In the Clerk's Office of the Circuit Court of Lee County:
29 I, A. B. Munsey, Clerk of said Court, do certify that Wm N.
30 G. Slump appeared before me in my Office this day and
31 made oath that the foregoing bill contains the
32 truth to the best of his ^{knowledge information & belief} belief. This June 4th 1894

A B Munsey
Clerk

W. N. G. Slensip

Bill - Dis. County

Roswell's Valley Bank

Statement "A" filed

Bill filed June 6th 1894

Wm. A. Orr, Atty

To the Hon. W. T. Miller Judge of the
Circuit Court of Lee County,

The Demurer & separate Answer of
A. L. Pridemore to a Bill filed in
this Hon. Court, against him as ad-
vers, private Banker under the firm name
& style of The Pines Valley Bank.

Respondent says he knows nothing
of the matters & things stated in the aforesaid
Bill except the information given him
by his Co. defendant H. J. Morgan the
President of the Bank. He has never
seen the Bank, book, has never been
in the Bank in his life, never was
present at any of the dealings and
knows nothing of it. He is informed
and believes it to be true that his
Co. defendant the said President will
in his answer give all the facts
and detail of the transaction much
of which occurred before this re-
spondent became interested in
the business of the Bank. And
having now fully answered he prays
to be dismissed with his costs.

A. L. Pridemore

Sworn to before me this the 12th day
June 1894

A. B. Munroe Clerk

A. L. Pickens

Adm. J. Sumner.

W. M. G. Stearns.

Filed in open court June
the 6th 1894
A. B. Munsey
Clerk

1 To the Hon. W. D. Miller, Judge of the
2 Circuit Court of Lee County, Va.

3 The separate answer of Henry J. Morgan
4 for himself & his associates in business
5 under the name & title of Powell Valley
6 Bank to a bill filed against them in
7 this honorable Court, by W. N. G. Sleep.

8 This respondent says it is true, that
9 there is now pending in your Honors
10 Court, on the low side thereof, a suit
11 brought by respondent & his associates,
12 against said Sleep & others, the object
13 of which, is to recover the debt, in
14 the declaration in that case, set out
15 amounting to \$874⁰⁰. It is also true
16 that said Sleep, has been dealing
17 with the said Powell Valley Bank
18 not only from Aug. 24, 1888, but
19 from about the 28th of May, 1888, down
20 to the Spring of 1893. & during that
21 time, he has frequently borrowed from
22 said Bank, various sums of money,
23 giving notes therefor, some on 30,
24 some on 60, some on 90, & some on
25 180 days time, & on all of them, he
26 has paid at the rate of 1% per month,
27 for the time he used said money.

28 It is also true, that said Sleep did
29 not take receipts for payment of such
30 interest, but it is not true, as al-
31 leged by the Plff, that he could
32 not prove the payment of such interest

1 except by calling on said Bank to
2 disclose the same, for the Plaintiff
3 well knew, at the time of making that
4 statement, that he could frame every-
5 thing & every payment made by him
6 to said Bank as completely, and as fully
7 to all intents & purposes, by this respondent
8 in the action at law, as he could or can
9 do by filing a bill for discovery.

10 And this respondent submits, that since
11 the Plff. in this case, has filed his
12 bill for discovery, under a statute
13 which has been virtually rendered ob-
14 solete, by the passage by the Legislature
15 of Virginia, ^{of} a law, allowing parties
16 to suits to become witnesses, both for
17 & against themselves, that his bill for
18 discovery should be dismissed at his
19 own costs.

20 It is not true, that the note sued
21 on in the said action at law, is en-
22 tirely for usury & unlawful & illegal
23 interest, but the truth is that \$800⁰⁰
24 of said note is for principal money
25 & \$24⁰⁰ thereof is for usury. ~~At~~ This
26 respondent will now proceed to
27 show the facts in relation to the
28 note sued on in the action at law.

29 Prior to December the 21. 1892, the
30 Plff. W. N. G. Slump, was owing to said
31 Bank three notes, one of which was
32 for \$24⁰⁰ a second for \$300⁰⁰ and the

1 third for \$150⁰⁰, & about the date
2 last mentioned, these three notes were
3 embodied in one, making \$874⁰⁰
4 in the aggregate, & this is the note
5 sued on in the action at law.

6 This respondent further states, that
7 said \$424⁰⁰ note, was originally for
8 \$400⁰⁰ & the same was first discounted
9 for said Slump on the 27th day of
10 December 1888, & interest for nearly
11 six months, was at subsequent times
12 added to the principal thereof, making
13 it \$424⁰⁰ as before stated.

14 This respondent further states, that
15 the \$300⁰⁰ note referred to was first
16 discounted for said Slump by said
17 Bank on the 8th day of April 1890
18 & the \$150⁰⁰ note, was first discounted
19 for the Plff on the 24th day of April 1891.

20 These statements are gathered from
21 the books kept in said Bank & are
22 believed to be correct.

23 This respondent states, that it is a
24 fact, that said Slump, has paid interest
25 at the rate of 12% per annum & no more
26 on said three notes from the time
27 they were first discounted as above
28 stated down to Aug 31, 1893, that is
29 to say, he has paid interest on the
30 \$400⁰⁰ note from Dec. 27, 1888, on
31 the \$300⁰⁰ note, from April 8, 1890, & on
32 the \$150⁰⁰ note from April 24, 1891, down

1 to the 31st day of August, 1893, the
 2 interest there paid by said Slump
 3 is the said Court will amount
 4 in the aggregate to \$399²⁰, as is shown
 5 in the annexed statement.

6	Interest on \$400, from Dec 27, '88 to Aug 31, '93, @ 12%	224.60
7	" " 300 " Apr 8, '90 to " " "	120.22
8	" " 150 " " 24, '91 " " " "	42.38
9	" " 12 " Dec 27, '88 " " " "	6.72
10	" " 12 " Jan 1, '90 " " " "	5.28
		<u>399.20</u>

11 The said \$400⁰⁰ note was discounted for
 12 said Slump to enable him to pay D. H. Bruce
 13 for at least a part of the land on which he
 14 now lives, & at the time 12% interest was
 15 added in the face of the note making it
 16 \$412³⁶ & Slump has paid to the Bank interest
 17 at the same rate (of 10% pr mo) upon said \$12.
 18 from that time down to Aug 31, 1893 and
 19 this interest will amount to \$6.72 as shown
 20 above, & the latter part of Dec, 1889 or about
 21 Jan 1, 1890, twelve dollars additional interest
 22 was added to said note making \$424 -
 23 as heretofore stated; & the interest on this
 24 lost \$12⁰⁰ from Jan 1, 1890, to Aug 31, '93
 25 amounts to \$5.28,

26 From these statements it is seen that
 27 said Slump has paid in the way of Usurious
 28 interest on the note sued on at law, the sum
 29 of \$399²⁰ & this is all the interest that has
 30 been paid on said three notes which make
 31 up the one sued on at law -

32 Respondent further states, that of the interest

1 above referred to, only \$22⁰⁰ was paid to
2 said Bank by said Slump within one
3 year prior to this time & that sum was
4 paid on the 13th day of June 1893.

5 Respondent states that he has now an-
6 swered everything, so far as he knows, re-
7 lating to the note on which the action
8 at law is founded.

9 This Respondent is advised, that the said
10 Slump, under his several pleas to the ac-
11 tion at law, can only recover from
12 this respondent & his associates & have op-
13 posed as a credit on the note sued on
14 such numerous interest as he has paid
15 to the said Bank, within one year
16 next preceding the ^{date of his} filing the said three
17 pleas, & in this view of the case he
18 ~~would~~ would only be entitled to a
19 Credit of \$22⁰⁰ on the note on which
20 the action at law is founded.

21 Respondent further states, that there
22 has been other dealings between said
23 Slump & said Bank, but as they are
24 in no way connected with the mat-
25 ters now in hand, they are not de-
26 tailed in this answer & some of them
27 could not be detailed with precise
28 accuracy. Should this respondent attempt
29 to do so, & having now answered a
30 fully as he is advised it is necessary
31 he now prays that the Plffs bill be dis-
32 missed at his own costs.

Henry J. Morgan

1 Subscribed & sworn to by Henry J
2 Morgan. This June, 12, 1894.
3 C. C. Cook, N.P.

Henry J Morgan
acts as Answerer

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Filed in open Court June
the 12th 1894
A. J. B. Munroe Clerk